

FILED IN CHAMBERS  
U.S.D.C. Rome

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

AUG 28 2007

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

ANDREW ANDERSON,

Plaintiff,

v.

THE ATLANTA JOURNAL,

Defendant.

CIVIL ACTION

NO. 1:06-CV-2807-RLV

O R D E R

By order dated November 16, 2006, the plaintiff was allowed to proceed in forma pauperis. The matter is now before the court for a frivolity determination pursuant to 28 U.S.C. § 1915.

Under section 1915(e)(2), a district court may dismiss an in forma pauperis complaint if the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief."

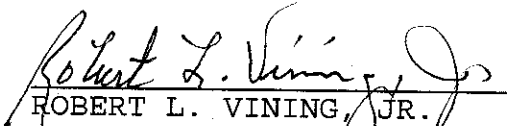
A claim is frivolous when it appears from the face of the complaint that the plaintiff "has little or no chance of success," i.e., "the factual allegations are clearly baseless," "the legal theories are indisputably meritless," or immunity bars relief. *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993) (internal quotations omitted). A litigant fails to state a claim when he fails to plead "enough factual matter (taken as true)" to plausibly support his claim for relief and, thereby, give the "defendant fair notice of what the . . . claim is and the grounds upon which it

rests." Bell Atlantic Corp. v. Twombly, \_\_\_\_ U.S. \_\_\_\_, \_\_\_\_, 127 S. Ct. 1955, 1964-65 (2007).

In the instant case the plaintiff alleges that he provided certain information to The Atlanta Journal regarding judges of the United States District Court for the Northern District of Georgia. The plaintiff further alleges that the newspaper discriminated against him by failing to publish any articles regarding the information that he had provided.

The plaintiff cites no statute which creates a cause of action for the failure of a newspaper to publish an article utilizing information furnished by a reader of that newspaper. The court concludes that any "discrimination" suffered by the plaintiff as a result of The Atlanta Journal's failure to publish any articles about the information provided by him is not actionable. Therefore, the complaint fails to state and is, therefore, frivolous within the meaning of section 1915(e)(2). Consequently, this action is DISMISSED.

SO ORDERED, this 28<sup>th</sup> day of August, 2007.

  
\_\_\_\_\_  
ROBERT L. VINING, JR.  
Senior United States District Judge